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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,478	02/12/2004	Nicola Funnell	1578.607 (11758-US-PAT)	2295
44298	7590	05/12/2011	EXAMINER	
DOCKET CLERK Kelly-Krause PO BOX 12608 DALLAS, TX 75225			MANOJARAN, MUTHUSWAMY GANAPATHY	
			ART UNIT	PAPER NUMBER
			2617	
			NOTIFICATION DATE	DELIVERY MODE
			05/12/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket.clerk@kelly-krause.com  
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**Advisory Action**  
**Before the Filing of an Appeal Brief**

**Application No.**

10/777,478

**Applicant(s)**

FUNNELL, NICOLA

**Examiner**

MUTHUSWAMY MANOHARAN

**Art Unit**

2617

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 14 April 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(g).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  
NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none

Claim(s) objected to: none

Claim(s) rejected: 1-3 and 7-9

Claim(s) withdrawn from consideration: none

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_

13. ☐ Other: \_\_\_\_\_.

/George Eng/  
Supervisory Patent Examiner, Art Unit 2617

/MUTHUSWAMY MANOHARAN/  
Examiner, Art Unit 2617

Continuation of 11, does NOT place the application in condition for allowance because: The proposed amendment overcomes the 112 first paragraph rejection.

Applicant argues that "no mention in the cited portion in Tohono of system information relating to SIB 11 or SIB 12 nor any correspondence between SIB 11 and SIB 12, nor of the idle and connected mode, nor of the connected mode". Examiner respectfully disagrees. The active, candidate and handover cells of Tohono correspond to the cell information list (Tohono is performing measurements, P[0056]) and SIB 11 and SIB 12 also includes cell information list (3GPP) and therefore 3GPP in view of Tohono teaches the claimed limitation.

Applicant argues that "Applicant's further note that the claims state that SIB relates to measurement information of type 11 and type 12. This differs with the mere reference in Tohono to active and candidate cells".

Examiner respectfully disagrees. The active, candidate and handover cells correspond to the cell information list (Tohono is performing measurements, P[0056]) and SIB 11 and SIB 12 also includes cell information list (3GPP) and therefore 3GPP in view of Tohono teaches the claimed limitation.

Applicant further argues that Tohono fails to disclose receiving SIB 12 and SIB 11 and as now recited then determining whether a same IE type is included in each of the SIB 11 and SIB 12 nor thereafter, as now recited, of acting upon the system information associated with SIB 11 then SIB 12 when it is determined that the same IE type is included.

It is to be noted that Claim further includes responding to a determination that the same IE type is included in only one of the SIBs by applying an IE from the associated one of the SIBs; and responding to a determination that the same IE type is included by acting upon the system information associated with the identified same IE types according to the predefined order.

Examiner respectfully disagrees. The primary reference, 3GPP teaches that System information block of type 11 and 12. Tohona is applying the system information associated with the active cell (reads on SIB 11) first before applying the system information associated with the handover destination candidate cell this automatically satisfies the claimed limitation responding to a determination that the same IE type is included by acting upon the system information associated with the identified same type according to the predefined order.

In Tohona reference, active cell is searched first and then hand-over destination candidate cell, as seen from Paragraphs [0056-0059]. It is well known in the art that cell information list corresponding to the active cell reads on SIB 11 and cell information list corresponds to handover destination candidate cell reads on SIB 12 of Tohona.

Since Tohona is applying the system information associated with the active cell (reads on SIB 11) first before applying the system information associated with the handover destination candidate cell this automatically satisfies the predefined order where the predefined order being to act on system information associated with an IE in a SIB of type 11 (SIB 11) and then to act upon system information associated with a same type of IE in a SIB of type 12 (SIB 12)).

The determination step is ineffective, since applying the system information in a predefined order satisfies the step to be performed base don the determination.